

INTERIM

Application for Extraction ~~Conditional~~ Use Permit



Redwood County

www.co.redwood.mn.us

Location of the Extraction:

Permit #: 4-19 Date: 3/19/19

Address: 29770 COUNTY ROAD 25 City: REDWOOD FALLS State: MN Zip: 56283  
House # Street Name

Parcel #: 52-028-1020 Township: DECHI Section: 28 Twp #: 14<sup>1</sup>/<sub>2</sub> 13 Range: 35W

Legal Description:

~~SW CORNER~~ OF SECTION 28 OF DECHI TOWNSHIP  
NE 1/4

Information about the Extraction:

Zoning District: AGRICULTURE

SOIL SURVEY SOIL TYPES :

Soil Type 1: TOPSOIL - top 1 1/2'

① ESTHERVILLE SANDY LOAM 0-2% SLOP

Soil Type 2: GRAVEL - VARIES 5' to 8'

② BRICKY CLAY LOAM, DEPRESSIONAL, 0-1% SLOPES

General description of the extraction:

③ MAYER LOAM, 0 to 2% SLOPES

REMOVE TOPSOIL, EXTRACT GRAVEL DEPOSIT, RESTORE SITE TO DRAIN, TOPSOIL 1/2 SEED - PERMITTED AREA INCLUDES EXISTING GRAVEL PIT

Number of acres to be extracted: 10

Type of Road: GRAVEL/COUNTY Right-of-Way width measured from centerline ~~66'~~ 33'

Setbacks: (Please enter in feet)

Setback from the Center of the Road: 100'

Side Yard Setback: 700

Direction: WEST

Side Yard Setback: 445

Direction: East (measured to KENWOOD AVE. RIGHT-OF-WAY)

Rear Yard Setback: 275

Direction: SOUTH

Starting Date: JUNE 1, 2018

Date of Completion: JUNE 1, 2028 (maximum 10 years)

Drainage Plan:

GRAVITY DRAIN TO THE WEST TO EXISTING TILE LINE.

Landscape and screening plans:

SHAPE SLOPES 30:1 OR FLATTER, RESTORE TO FARMING OR PASTURE USE.

Water plan (estimated water use):

NONE

Statement addressing noise, vibration, glare, heat, smoke, particle matter, odors, exterior lighting, toxic or noxious matter, dust, etc:

NONE PLANNED

Reclamation plan: (Attach Map)

SEE MAP

Estimated Cost of Reclamation: \$ 1250/ACRE

Applicant Information:

First Name: JEFF Last Name: SCHMIDT

Business Name: SCHMIDT CONSTRUCTION INC.

Address: 30103 US Hwy 71 City: REDWOOD FALLS State: MN Zip: 56283

Home Phone: 507-644-5516 Cell Phone: 430-2793 Email: SCHMIDT.CONSTRUCTION

INC@YAHOO.COM

Operator Information: (Complete only if different from Applicant)

First Name: Last Name:

Business Name

Address: City: State: MN Zip:

Home Phone: Cell Phone: Email:

Land Owner Information: (Complete only if different from Applicant)

First Name: WILLIAM Last Name: SCHMIDT

Address: 30103 US HWY 71 City: REDWOOD FALLS State: MN Zip: 56283

Home Phone: Cell Phone: Email:

I affirm that the forgoing information is true and accurate. I understand that if any portion of this information is false or materially misleading, any conditional use permit issued in reliance upon this information is voidable at the election of Redwood County.

Land Owner Signature: [Signature] Date: 1/25/19

Please attach the following information:

A detailed site map. This must include: soil types, topography, location of watercourses, outline of maximum area to be excavated, setbacks from property lines, vertical profile of area to be excavated including overburden, proposed and existing locations of any structures, stockpiles or operation areas, location and names of roads, railroads, known tile lines, proposed fences, utility rights-of-way, planned entrances and exits for operation area, road routes for heavy equipment and any signs being posted.

Office Use Only: \* The section below is to be filled out by the Environmental Office Staff

Extraction Fee: \$ 700 Receipt #: 184951 Date Approved:

Application Received: 3/19/19

Commission Action:

County Board Action:

Approved: Date: Approved: Date:

Disapproved: Date: Disapproved: Date:



# REQUESTED PERMIT AREA





SCHMIDT CONSTRUCTION, INC.

30103 US HIGHWAY 71  
REDWOOD FALLS, MN 56283

COUNTY ROAD #25

100'

← 600' ± →

North

3 to 1 SLOPES

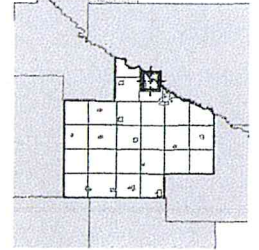
1250 ±

1 1/2' TOPSOIL  
3 to 1  
5' to 6' GRAVEL





Overview



Legend

-  Municipal Boundaries
-  Sections
-  Surrounding Counties
-  Townships
-  Address points
-  Parcels
- Major Roads**
  -  County/Twp/City
  -  State/Federal
  -  County
  -  Minor Roads

Date created: 1/17/2019  
Last Data Uploaded: 1/17/2019 9:10:22 AM

Developed by  Schneider  
GEOSPATIAL

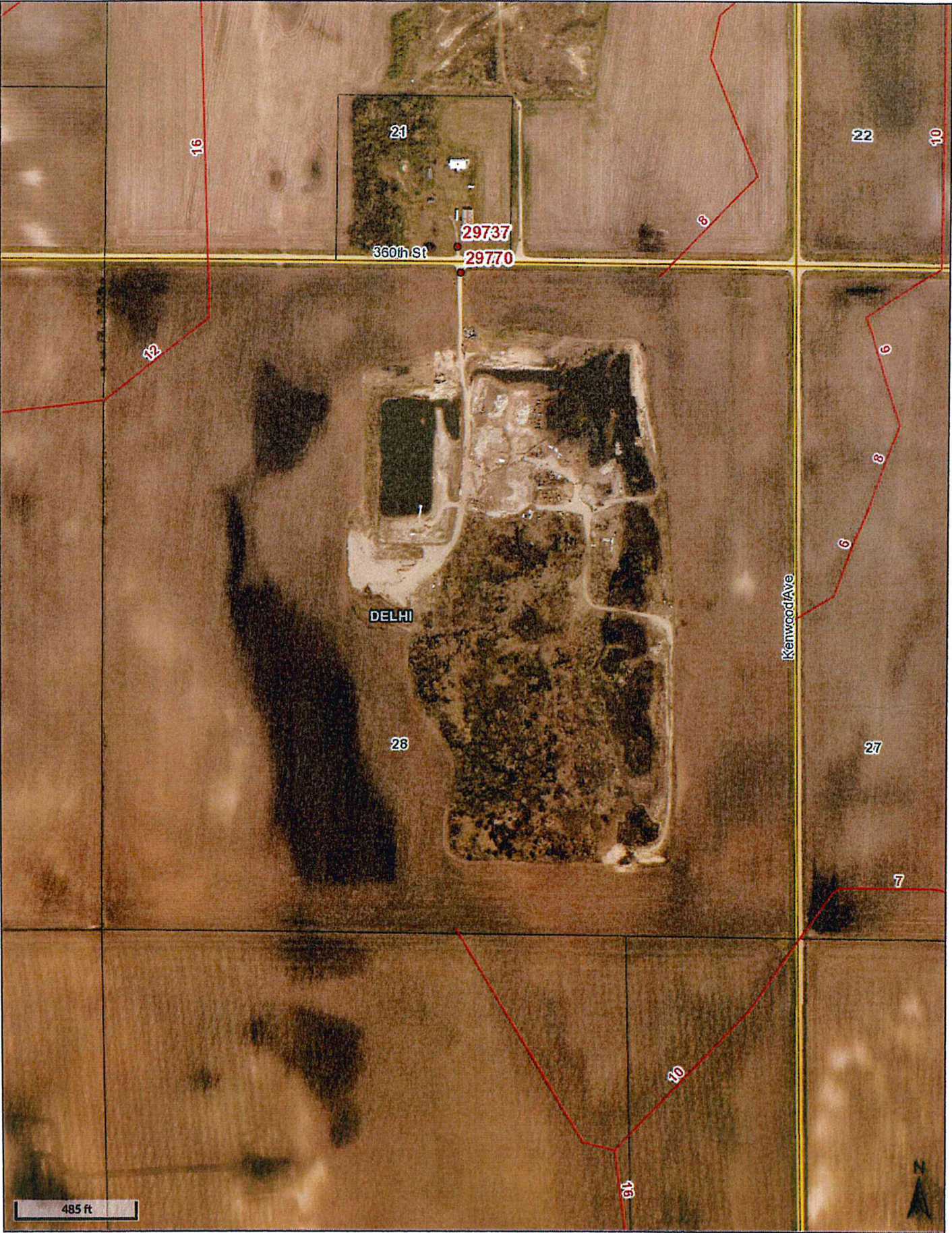


# PIT OUTLINE





COUNTY TILE MAP



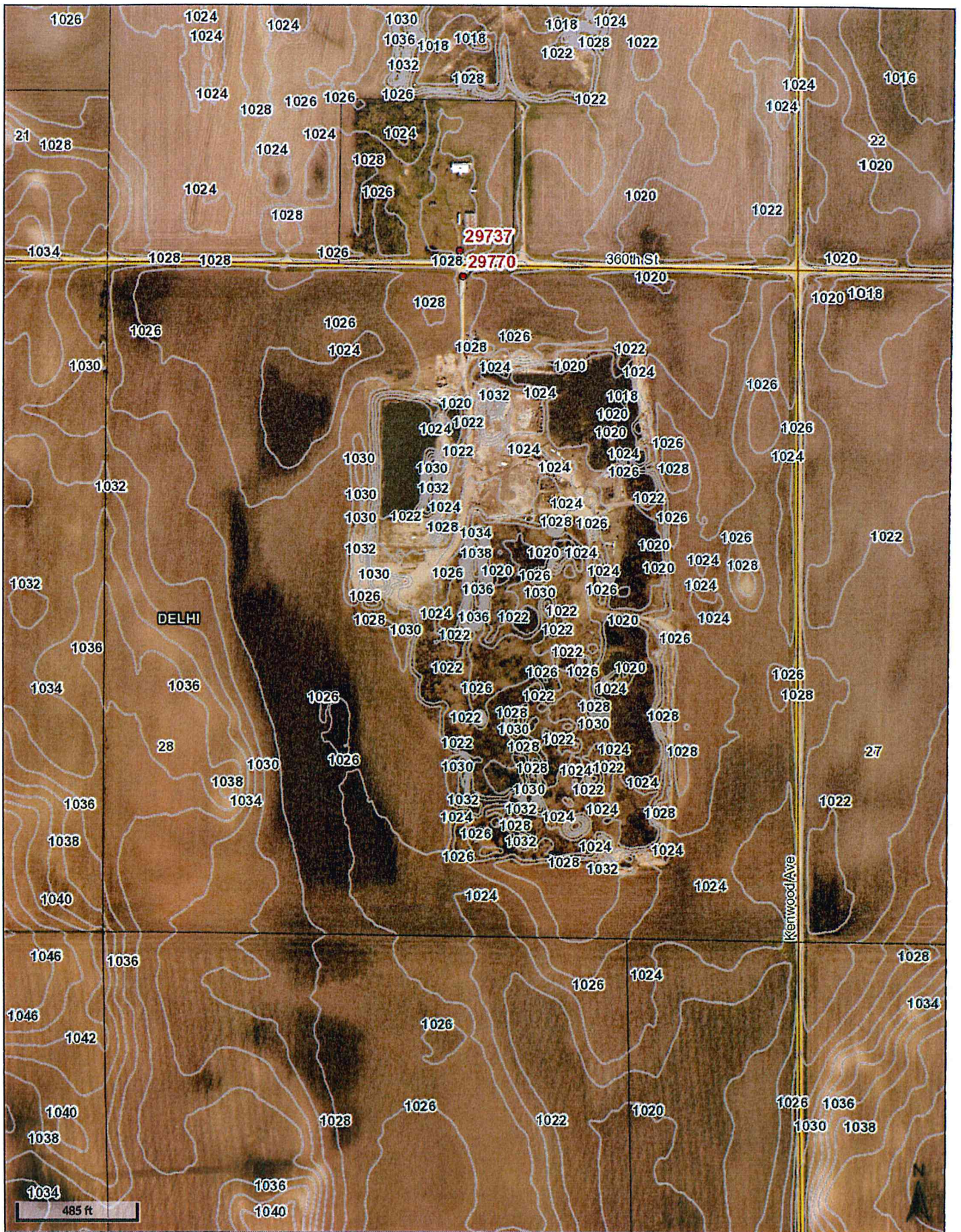


# SOIL MAP



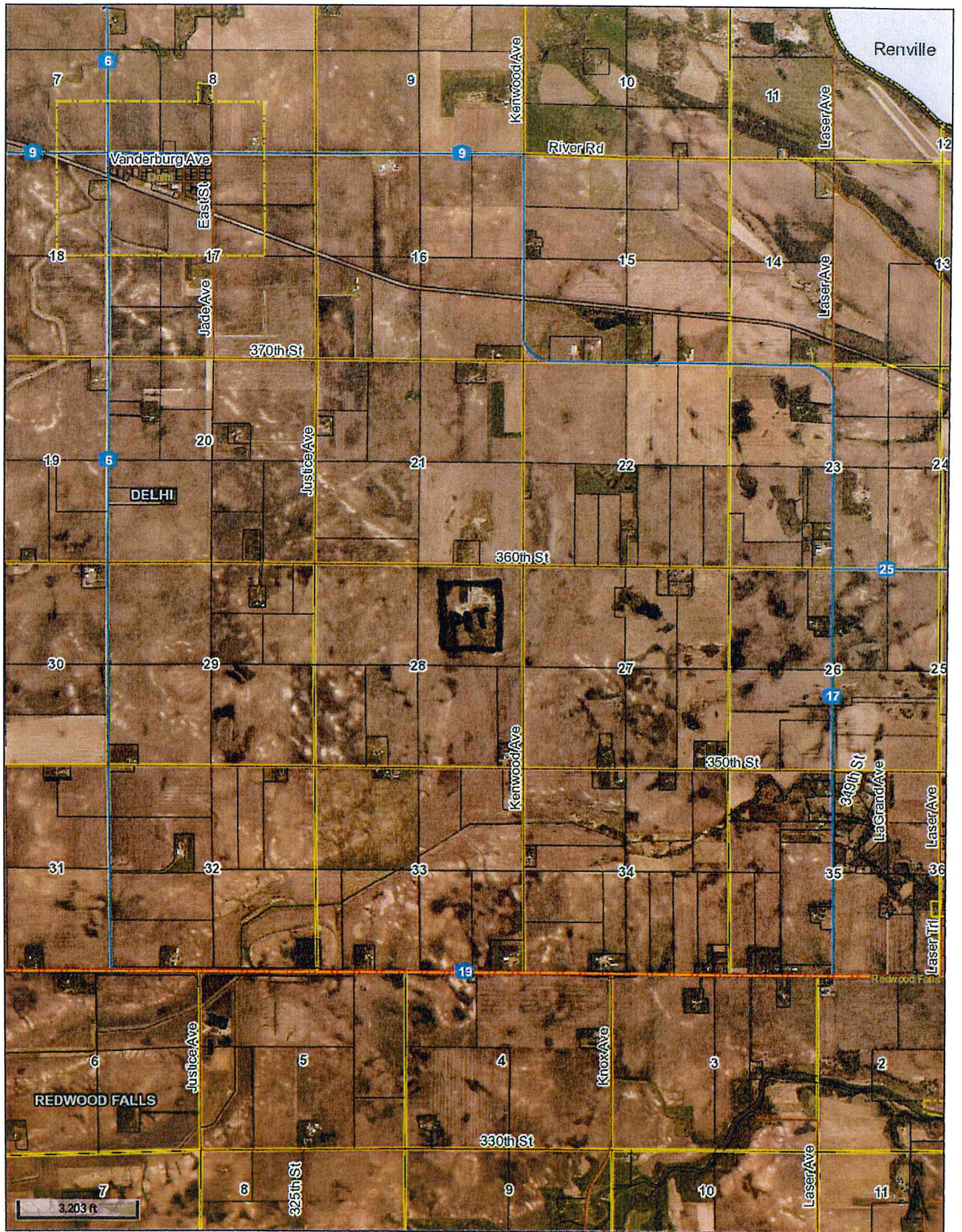


# ELEVATION CONTOUR MAP





# NEIGHBORHOOD MAP





**Conditions Permit No. 4-19 (Jeff Schmidt)**

1. The permit holder shall comply with all applicable laws, rules, and regulations, including but not limited to Redwood County Zoning Ordinance, as hereafter amended from time to time. The permit holder shall abide by all MSHA requirements. A copy of all required local, state, and federal permits and/or licenses shall be provided to the Redwood County Environmental Office upon request.
2. The permit holder shall allow the Redwood County Environmental Office to inspect the site for all purposes permitted by law whenever deemed necessary by the Redwood County Environmental Office.
3. The permit holder shall have proper warning signs posted along CSAH 25/360<sup>th</sup> Street during times of continuous hauling of material into or out of the site. The warning signs shall conform to the requirements and guidelines as provided in the Minnesota Manual on Uniform Traffic Control Devices.
4. The permit holder shall not allow the conditional use to be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted. The permit holder shall not allow the conditional use to impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area. Adequate measures shall be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of the foregoing will constitute a nuisance now or in the future.
5. The permit holder shall not exceed the boundary limits described and set forth in the *Application for Extraction Conditional Use Permit*. The permit holder shall keep any pit, excavation, or impounded waters within the limits for which the particular permit is granted. The completion date of this *Extraction Conditional Use Permit* will be June 1, 2028.
6. Adequate access roads, drainage, and other necessary facilities shall be provided at all times and shall continue to be provided by the permit holder now and in the future.
7. The permit holder shall at all times properly guard and keep any pit or excavation in such condition so as not be dangerous from caving or sliding banks. The permit holder shall properly drain, fill, or level any pit or excavation after created so as to make the same safe and healthful which shall be determined by the Board of Commissioners. The permit holder shall grade the site after the excavation and extraction has been completed so as to render it usable. The site shall be reclaimed according to the reclamation plan included in the *Extraction Conditional Use Permit*: (1) the site will be graded to a 3:1 (run to rise) slope; (2) reserved topsoil will be spread on the site and thereafter returned to agricultural use. The site shall be clean and free of all debris, including stockpiles, when the *Extraction Conditional Use Permit* reaches its completion date.
8. The permit holder shall post a bond, cash deposit, irrevocable letter of credit, or other security in the amount of \$10,000.00. Further, the bond, cash deposit, irrevocable letter of credit, or other security shall remain in full force and effect for a minimum of one year beyond the ending date of *Extraction Conditional Use Permit*.



9. The permit holder shall maintain bodily injury, property damage, and public liability insurance in the amount of at least \$1,500,000 per occurrence during the life of the extraction operation and shall provide proof of the same to the Redwood County Environmental Office.
10. The applicant shall maintain a 100 foot setback between any excavation or stockpiling of material, and any field drainage tile administered by Redwood County under Minnesota Statutes 103E.
11. The maximum depth of excavation shall be 10 feet below the original grade.
12. The hours of operation of the pit shall be limited to daylight hours. However, the hours of crushing operations (concrete and aggregate) shall be from 6:00 AM to 6:00 PM.
13. The excavation site shall not be used for a demolition site, unless the permit holder obtains the proper permission and permits from the State of Minnesota and Redwood County.
14. The Redwood County Planning Commission shall review the conditional use permit and shall be authorized to take any and all necessary action(s), including but not limited to revoking the conditional use permit and/or requiring the permit holder to reapply for a conditional use permit, if: 1) The Redwood County Environmental Office acquires information previously unavailable that indicates the terms and conditions of the permit do not accurately represent the actual circumstances of the permitted facility or the conditional use; 2) It is discovered subsequent to the issuance of the permit the permit holder failed to disclose all facts relevant to the issuance of the permit or submitted false or misleading information to the Redwood County Environmental Office, the Redwood County Planning Commission, or the Redwood County Board of Commissioners; 3) The Redwood County Environmental Office determines the permitted facility or conditional use endangers human health or the environment; and/or (4) The permit holder violates any of the herein described conditions, the Redwood County Ordinances, State statutes, or Federal laws.





**REDWOOD COUNTY ENVIRONMENTAL OFFICE**

*Planning & Zoning • Parks & Trails • GIS  
Aquatic Invasive Species • Septic Inspector  
Drainage Inspector • Agricultural Inspector*

PO BOX 130  
REDWOOD FALLS  
MINNESOTA 56283  
PH: 507-637-4023

**REDWOOD COUNTY PLANNING COMMISSION  
Jeff Schmidt Gravel Pit  
Conditional Use Permit Application #4-19  
May 20, 2019**

**FINDINGS OF FACT**

***ORDINANCE CRITERIA – The Planning Commission may recommend the granting of a Conditional Use Permit in any district provided the proposed use is listed as a conditional use for the district and upon a showing that the standards and criteria stated in this Ordinance will be satisfied and that the use is in harmony with the general purposes and intent of this Ordinance and the Comprehensive Plan.***

**In determining whether the proposed use is in harmony with the general purposes and intent of the Ordinance and the Comprehensive Plan, the Planning Commission shall consider and make findings on the following questions:**

1) Will the proposed use have an adverse impact on the health, safety, and general welfare of the residents in the surrounding neighborhood?

Yes \_\_\_\_\_ No \_\_\_\_\_

Why?: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2) Has evidence been presented that shows the proposed use will cause material injury to the use and enjoyment of other property in the surrounding neighborhood for land uses that are already permitted?

Yes \_\_\_\_\_ No \_\_\_\_\_

Why?: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



3) Will the proposed use have a substantial adverse effect on property values or future development of land in the surrounding neighborhood for uses common to the area?

Yes \_\_\_\_\_ No \_\_\_\_\_

Why?: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4) Are there, or will there be provided, adequate utilities, access roads, drainage, off-street parking and loading areas, and other necessary facilities to support the proposed use of the property?

Yes \_\_\_\_\_ No \_\_\_\_\_

Why?: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5) Have adequate measures been taken, or will adequate measures be taken, to prevent or control offensive odor, fumes, dust, noise, lights, and vibration, so that no disturbance to neighboring properties will result?

Yes \_\_\_\_\_ No \_\_\_\_\_

Why?: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6) Is the proposed use of the property consistent with the general purpose and intent of the Zoning Ordinance and the goals and policies adopted in the Comprehensive Plan?

Yes \_\_\_\_\_ No \_\_\_\_\_

Why?: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_



**AFFIDAVIT OF SERVICE VIA U.S. MAIL**

STATE OF MINNESOTA    )  
  ) ss  
COUNTY OF REDWOOD    )

**RE:   *Application for Extraction Interim Use Permit* submitted by Jeff Schmidt and Schmidt Construction; Permit Application No. 4-19**

I, Lali Ortega, a person not less than eighteen (18) years of age, being first duly sworn upon oath, hereby state a copy of the following:

1. *Notice of Public Hearing on Application for Extraction Interim Use Permit; and*
2. *Notice of Public Hearing*

was duly served upon:

**RED DEL LLC  
405 GALES DR  
REDWOOD FALLS, MN 56283**

**JOINT ACRES LP  
PO BOX 524  
WINSTED, MN 55395**

**STEVEN STRAWZELL  
207 W MEADOW LN  
CYNTHIANA, KY 41031**

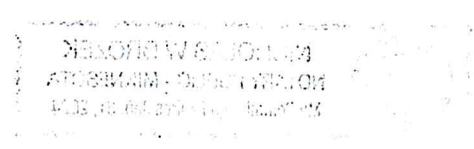
**WILLIAM R SCHMIDT  
30103 US HWY 71  
REDWOOD FALLS, MN 56283**

**JOANNE HUNT  
15515 JIAN WD WAY NE, UNIT G  
BOTHELL, WA 98011**

**BETTY A GALSTAD  
29446 370 ST  
REDWOOD FALLS, MN 56283**

**DAVID P & JODI K BUNTING  
346 LASER AVE  
REDWOOD FALLS, MN 56283**

**DELORES A BUNTING ETAL  
29770 370 ST  
REDWOOD FALLS, MN 56283**





STANLEY J & JANET J BREY  
REVOCABLE TRUSTS  
PO BOX 583  
BIG LAKE, MN 55309

NORBERT & CYNTHIA SERBUS  
76064 270 ST  
RENVILLE, MN 56284

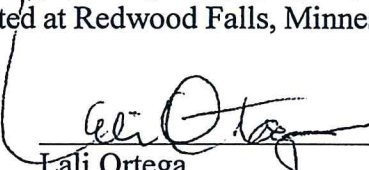
DEBORAH KAY & MICHAEL R DISHER  
20562 AKRON DR  
SAUK CENTRE, MN 56378

HENRY E & FAYTHE Y AMBERG  
29322 CO HWY 9  
REDWOOD FALLS, MN 56283

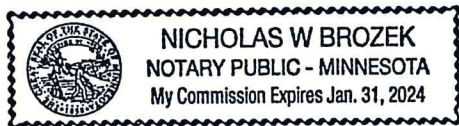
DELHI TOWNSHIP BOARD OF SUPERVISORS  
% CARRIE WERNER, CLERK  
36898 CO HWY 6  
REDWOOD FALLS, MN 56283

CITY OF DELHI  
% CAROL GERMAN, CLERK  
685 FRANKLIN AVE  
REDWOOD FALLS, MN 56283

by enclosing a copy of the same in an envelope, with postage prepaid, and depositing said envelope in a United States Postal Service mailbox located at Redwood Falls, Minnesota on the 2<sup>nd</sup> day of May, 2019.

  
\_\_\_\_\_  
Lali Ortega  
Administrative Assistant  
Environmental Office

Subscribed and sworn to before me, a Notary Public, on this 2<sup>nd</sup> day of May, 2019, by Lali Ortega.



  
\_\_\_\_\_  
Notary Public



# AFFIDAVIT OF PUBLICATION

Redwood Gazette

RECEIVED

MAY 13 2019

REDWOOD COUNTY ENVIRONMENTAL OFFICE

Redwood Falls, Minnesota  
State of Minnesota  
County of Redwood

Lisa Drafal, being first duly sworn, on oath states as follows:

## OFFICIAL PUBLICAITON NOTICE OF PUBLIC HEARING

An Application for Extraction Interim Use Permit has been filed by Jeff Schmidt and Schmidt Construction Inc., pursuant to Redwood County Code of Ordinances, Title XV, Section 153.283 for: the extraction, processing, and stockpiling of gravel material from/on an existing gravel pit on the following described real property, situated in the County of Redwood, State of Minnesota, to wit:

The Northeast Quarter (NE1/4)  
of Section 28, Township 113 North,  
Range 36 West, Delhi Township.

A public hearing thereon will be held before the Redwood County Planning Commission at the regularly scheduled Planning Commission meeting starting at 1:00 o'clock p.m. on Monday, the 20th day of May, 2019, at the Board Room of the Redwood County Government Center located at 403 South Mill Street, Redwood Falls, MN 56283.

If you have any comments or questions regarding this matter, please contact the Redwood County Environmental Office by telephone at (507) 637-4023, via email at [Environmental@co.redwood.mn.us](mailto:Environmental@co.redwood.mn.us), or in writing at Redwood County Environmental Office, P.O. Box 130, Redwood Falls, MN 56283.

DATED: May 1, 2019  
Nicholas W. Brozek  
Land Use & Zoning Supervisor  
Redwood County Environmental Office  
Published in the Redwood Gazette May 6, 2019.

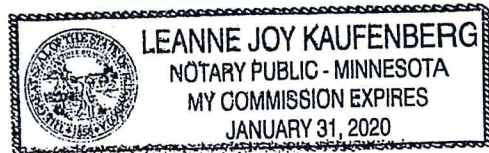
1. I am the general manager of the Redwood Gazette. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.
2. The newspaper has compiled with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.
3. The dates of the month and the year and day of the week upon which the public notice attached/copied below was published in the newspaper are as follows: -MONDAY-, the 6th day of MAY, 2019.
4. The general manager's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06 and §331A.07.
5. Mortgage Foreclosure Notices. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Redwood County. The newspaper complies with the conditions in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT.

By: \_\_\_\_\_  
General Manager

Subscribed and sworn before me  
on the 6th day of MAY, 2019.

By: \_\_\_\_\_  
Notary Public





# AFFIDAVIT OF PUBLICATION

Wabasso Standard **RECEIVED**

Wabasso, Minnesota  
State of Minnesota  
County of Redwood

**MAY 13 2019**  
REDWOOD COUNTY  
ENVIRONMENTAL OFFICE

## OFFICIAL PUBLICAITON NOTICE OF PUBLIC HEARING

An Application for Extraction Interim Use Permit has been filed by Jeff Schmidt and Schmidt Construction Inc., pursuant to Redwood County Code of Ordinances, Title XV, Section 153.283 for: the extraction, processing, and stockpiling of gravel material from/on an existing gravel pit on the following described real property, situated in the County of Redwood, State of Minnesota, to wit:

The Northeast Quarter (NE1/4)  
of Section 28, Township 113 North,  
Range 36 West, Delhi Township.

A public hearing thereon will be held before the Redwood County Planning Commission at the regularly scheduled Planning Commission meeting starting at 1:00 o'clock p.m. on Monday, the 20th day of May, 2019, at the Board Room of the Redwood County Government Center located at 403 South Mill Street, Redwood Falls, MN 56283.

If you have any comments or questions regarding this matter, please contact the Redwood County Environmental Office by telephone at (507) 637-4023, via email at Environmental@co.redwood.mn.us, or in writing at Redwood County Environmental Office, P.O. Box 130, Redwood Falls, MN 56283.

DATED: May 1, 2019  
Nicholas W. Brozek  
Land Use & Zoning Supervisor  
Redwood County Environmental Office  
Published in the Wabasso Standard May 8,  
2019.

Lisa Drafall, being first duly sworn, on oath states as follows:

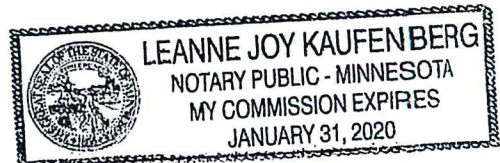
1. I am the general manager of the Wabasso Standard. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.
2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.
3. The dates of the month and the year and day of the week upon which the public notice attached/copied below was published in the newspaper are as follows: WEDNESDAY, the 8th day of MAY, 2019.
4. The general manager's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06 and §331A.07.
5. Mortgage Foreclosure Notices. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Redwood County. The newspaper complies with the conditions in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT.

By: \_\_\_\_\_  
General Manager

Subscribed and sworn before me  
on the 8th day of MAY 2019.

By: Leanne Kaufenberg  
Notary Public













**COPY**



**NOTICE OF PUBLIC HEARING**

An *Application for Extraction Interim Use Permit* has been filed by Jeff Schmidt and Schmidt Construction Inc., pursuant to Redwood County Code of Ordinances, Title XV, Section 153.283 for: the extraction, processing, and stockpiling of gravel material from/on an existing gravel pit on the following described real property, situated in the County of Redwood, State of Minnesota, to wit:

The Northeast Quarter (NE1/4) of Section 28, Township 113 North, Range 36 West, Delhi Township.

A public hearing thereon will be held before the Redwood County Planning Commission at the regularly scheduled Planning Commission meeting starting at 1:00 o'clock p.m. on Monday, the 20<sup>th</sup> day of May, 2019, at the Board Room of the Redwood County Government Center located at 403 South Mill Street, Redwood Falls, MN 56283.

If you have any comments or questions regarding this matter, please contact the Redwood County Environmental Office by telephone at (507) 637-4023, via email at [Environmental@co.redwood.mn.us](mailto:Environmental@co.redwood.mn.us), or in writing at *Redwood County Environmental Office, P.O. Box 130, Redwood Falls, MN 56283.*

DATED: May 1, 2019

Nicholas W. Brozek  
Land Use & Zoning Supervisor  
Redwood County Environmental Office



**TO:** Whom It May Concern

**FROM:** Nick Brozek *NB*  
Land Use and Zoning Supervisor  
Redwood County Environmental Office



**DATE:** May 1, 2019

**RE:** Notice of Public Hearing on Extraction Interim Use Permit Application

Please find enclosed a *Notice of Public Hearing* regarding an *Extraction Interim Use Permit Application* filed by Jeff Schmidt and Schmidt Construction Inc., pursuant to Redwood County Code of Ordinances, Title XV, Section 153.283 for: the extraction, processing, and stockpiling of gravel material from/on an existing gravel pit on the following described real property, situated in the County of Redwood, State of Minnesota, to wit:

The Northeast Quarter (NE1/4) of Section 28, Township 113 North, Range 36 West, Delhi Township.

A public hearing thereon will be held before the Redwood County Planning Commission at the regularly scheduled Planning Commission meeting starting at 1:00 o'clock p.m. on Monday, the 20<sup>th</sup> day of May, 2019, at the Board Room of the Redwood County Government Center located at 403 South Mill Street, Redwood Falls, MN 56283.

Pursuant to Redwood County Zoning Ordinance, all property owners of record within five hundred (500) feet in incorporated areas and/or one-quarter (1/4) of a mile of the affected property or the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of landowners in the unincorporated areas, the township in which the affected property is located, and all municipalities within two (2) miles of the property are required to be notified in writing of the time and place of the public hearing.

If you have any comments or questions regarding this matter, please contact the Redwood County Environmental Office by telephone at (507) 637-4023, via email at [Environmental@co.redwood.mn.us](mailto:Environmental@co.redwood.mn.us), or in writing at *Redwood County Environmental Office, P.O. Box 130, Redwood Falls, MN 56283*, and/or attend the Public Hearing at the time and date set forth in the *Notice of Public Hearing* enclosed herein.

Enclosure

Cc: Jeff Schmidt (w/ encl)  
William Schmidt (w/ encl)

Redwood County Government Center - Environmental Department  
P.O Box 130 Redwood Falls, MN 56283  
(507) 637-4023 redwoodcounty-mn.us Environmental@co.redwood.mn.us